IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, SEVENTH DAY OF SEPTEMBER,

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15919 of 2004

Between:

R.R. Purushotham, S/o. Yesupadam, Conductor,
E.No. 358746, (under suspension) R/o. C/o. K.B.V. Swamy,
Acharigari Street, Tuni, E.G. District.

... PETITIONER

AND

1 The A.P. State Road Transport Corporation, Musheerabad, Hyderabad, rep.

by its Chairman and Managing Director.
2 The Depot Manager, A.P.S.R.T.C. Tuni Depot, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed along with the writ petition the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the second respondent in issuing the Suspension Order in Proceedings No. P1/1(40)/2004-TNI dt.21-8-2004 to the petitioner as illegal, arbitrary, unreasonable, and consequently set aside the same.

Counsel for the Petitioner: Mr.N.V.SUBBA RAJU

Counsel for the Respondents: Mrs.B.G.Uma Devi, S.C. for APSRTC

The Court at the admission stage made the following:

Oral Order:

The petitioner is working as a conductor in the respondents Corporation. The allegation against the petitioner is that while performing the duty as a conductor, on 17-8-2004 he suddenly left the bus for the last trip and failed to remit the amount collected from passengers on the same night. The petitioner contends that he suddenly got stomach pain, therefore, he became unconscious and underwent treatment from a doctor. In the next morning he produced medical certificate and remitted the entire amount collected on the previous day.

The respondents ordered a disciplinary enquiry against the petitioner and simultaneously kept him under suspension. The enquiry is likely to take considerable time. If the misconduct of the petitioner is established, he is liable for punishment. But, in view of the nature of the misconduct, it may not be necessary to keep him under suspension till the enquiry is completed. In the light of the above circumstances, the order of suspension of the petitioner is set aside.

Regarding the misconduct of the petitioner, the respondents are at liberty to proceed with the enquiry and pass appropriate orders according to law.

With the above observations, the writ petition is disposed of at the admission stage.

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(Dr.G. Yethirajulu, J)

07th September 2004

svs

// TRUE COPY //

SECTION OFFICER

To

1. The Chairman and Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad,.

2. The Depot Manager, A.P.S.R.T.C. Tuni Depot, East Godavari District

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